

REMARKS

Initially, Applicants express appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the present paper, claims 1-26 (i.e., all pending claims) will have been amended. The herein-contained amendments should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejection. Rather, Applicants have amended claims 1-26 to enhance clarity in order to advance prosecution and obtain early allowance of the claims in the present application. Applicants note that the status of the present application is after final rejection and that once a final rejection has issued, an applicant does not have a right to amend an application. Nevertheless, Applicants contend that entry of the present amendment is appropriate because the proposed claims place the application in condition for allowance and do not present any new issues that would require any further consideration or search by the Examiner. Furthermore, no prohibited new matter has been introduced by the abovementioned amendments.

Claims 1-26 are pending in the present application and are submitted for reconsideration by the Examiner. Applicants address the rejections provided within the Official Action below and respectfully request withdrawal of the outstanding rejections pending in the present application together with an indication of the allowability of claims 1-26 (i.e., all pending claims) in the next Official communication. Such action is respectfully requested and is believed to be appropriate for at least the reasons provided below.

35 U.S.C. § 103 Claim Rejections

In the outstanding Official Action, the Examiner rejected claims 1-10, 13-14, and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over the combination of PCT Pub. No. 01/65807 to Waesterlid (hereinafter "WAESTERLID") and U.S. Pat. Appl. No. 2002/0168992 to Eiden et al. (hereinafter "EIDEN") in view of U.S. Pat. Appl. No. 2002/0037736 to Kawaguchi et al. (hereinafter "KAWAGUCHI"), and further in view of U.S. Pat. Appl. No. 2001/0022780 to Mizutani et al. (hereinafter "MIZUTANI"). With respect to the above-mentioned rejection, Applicants believe that the Examiner also intended to indicate that claims 19-20 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of documents listed above, based on comments by the Examiner on pages 26 and 32 of the outstanding Official Action. The Examiner is respectfully requested to confirm Applicants' understanding in the next official communication.

Additionally, the Examiner rejected claims 11-12, 15-16, 21-22, and 25-26 under 35 U.S.C. § 103(a) as being unpatentable over WAESTERLID in view of KAMAGUCHI, and further in view of MIZUTANI.

With respect to the Examiner's rejections, Applicants initially note that, in Applicants' Response to the Official Action dated April 29, 2008, Applicants' submitted that the above-mentioned combination of documents (in particular MIZUTANI) fails to disclose or render obvious the group identification information that is a unique identifier for each group and that comprises user identification information of the terminal device of a member who forms the group and a time when the group is formed. In response to

Applicants' submission, the Examiner asserted, on page 2 of the outstanding Official Action in the Response to Arguments section, that:

Examiner respectfully disagrees, because the group identification information, as recited in the claims, comprises the member who formed the group and when (time) it is formed, not that it is a combination of the two. According to Applicants' specification, group information includes group ID among other information [see fig. 4A]. The Mizutani reference is sends the group id, which is unique to the group (paragraph 46), along with the valid time period for the group. The time period is reflective of the time the group was started, since it defines how long from the start of the group that the current group communication is valid.

With respect to the Examiner's assertion, it appears that the Examiner has misinterpreted the limitations of the claims of the present application. Thus, without agreeing to the propriety of the Examiner's rejection and solely to expedite the patent application process, Applicants have amended claims 1-26 to enhance clarity with claims 1, 8, 10-17, and 19-26 being independent claims. Specifically, Applicants have generally amended each independent claim to recite that the group identification information includes user identification information of the terminal device of a member who forms the group and includes a time when the group is formed. That is, the group identification information of the present application includes user identification information and a time when the group is formed. Applicants note that the group identification information of the present application is an identifier of the group, such as the group ID of MIZUTANI (see pg. 12, lines 5-12 of the present application as filed, ¶[0041] of published U.S. Pat. Appl. No. 2004/023045). Furthermore, the user identification information of the present application is an identifier of a user, such as the originator ID of MIZUTANI (see pg. 11, lines 2-9 of the present application as filed, ¶[0037] of published U.S. Pat. Appl. No. 2004/023045). In contrast to the present application, MIZUTANI merely discloses

sending the originator ID and a valid time period for the group (which is not the time the group was formed) along with the Group ID (*see* MIZUTANI ¶[0046]). The above-recited feature of the present application provides the non-limiting and advantageous effect of enabling the group identification information to be generated at the terminal device of the member who forms the group (rather than in a central server or system) while still ensuring that the group identification information is a unique identifier for the group since a member cannot form two groups at the same time (*see* pg. 12, lines 5-12 of the present application as filed, ¶[0041] of published U.S. Pat. Appl. No. 2004/023045).

In this regard, Applicants respectfully traverse the Examiner's rejections and submit that the applied documents fail to disclose or render obvious at least the group identification information including user identification information of the terminal of the device of a member who forms the group and including a time when the group is formed as generally recited by independent claims 1, 8, 10-17, and 19-26. To the contrary, Applicants submit that MIZUTANI merely discloses that a communication terminal that desires to communicate with other communication terminals forms a momentary group (*see* MIZUTANI ¶[0011], ¶[0045]). The communication terminal that communicates sends a packet with information to the receiving communication terminals (*see* MIZUTANI ¶[0011], ¶[0046]). According to MIZUTANI, the packet includes a packet ID, a valid time period of the packet, hop count, a group ID, an originator ID, a belonging to group time period, and an error correcting code (*see* MIZUTANI ¶[0046]). The time period is not included in the group ID. Instead, as acknowledged by the Examiner on page 2 of the outstanding Official Action, the time period is simply included in the same packet as the group ID. Furthermore, the time period merely indicates when the group

will be terminated and is not *a time when the group is formed* (see MIZUTANI ¶[0046]), as required by Applicants' amended claims.

Additionally, Applicants submit that user identification information of the terminal of the device of a member who forms the group is also not included in the group ID. Therefore, Applicants submit that MIZUTANI cannot be reasonably interpreted to disclose or render obvious, as generally recited by independent claims 1, 8, 10-17, and 19-26, the feature of the group identification information including user identification information of the terminal of the device of a member who forms the group and including a time when the group is formed.

Applicants further submit that WAESTERLID, EIDEN, and KAWAGUCHI each fail to disclose or render obvious that which is lacking in MIZUTANI. In this regard, the Examiner acknowledges, on page 10 of the outstanding Official Action, that the combination of WAESTERLID, EIDEN, and KAWAGUCHI fails to specifically disclose that the time the group is formed is included in the group identification information. Accordingly, Applicants submit that even if one attempted to combine WAESTERLID, EIDEN, KAWAGUCH and MIZUTANI in the manner suggested by the Examiner, one would not arrive at the embodiments of the present application as recited by independent claims 1, 8, 10-17, and 19-26. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §103 rejections of claims 1, 8, 10-17, and 19-26.

With respect to the Examiner's rejection of dependent claims 2-7, 9, and 18, Applicants submit that these claims are all directly or indirectly dependent from one of allowable independent claims 1, 8, and 17, which are allowable for at least the reasons discussed *supra*. Thus, these dependent claims are submitted to also be allowable for at

least the reasons discussed *supra*. Furthermore, all dependent claims recite additional features which further define the present invention over the references of record.

Thus, Applicants respectfully submit that each and every pending claim of the present application (i.e., claims 1-26) meets the requirements for patentability. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. § 103 rejections and to indicate the allowance of each and every pending claim in the present application.

CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or renders obvious the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicants note that the amendments to the claims are to be considered merely clarifying amendments that are cosmetic in nature, and are not intended to narrow the scope of the claims. Accordingly, this amendment should not be considered a decision by Applicants to narrow the claims in any way.

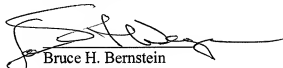
Additionally, Applicants note that the status of the present application is after final rejection and that once a final rejection has issued, an applicant does not have a right to amend an application. Nevertheless, pursuant to M.P.E.P. §714.13, Applicants contend that entry of the present amendment is appropriate because the proposed amended claims avoid the rejections set forth in the last Official Action, resulting in the application being placed in condition for allowance, or alternatively, the revised claims place the application in better condition for purposes of appeal. Further, the revised claims do not present any new issues that would require any further consideration or search by the Examiner, and the amendment does not present any additional claims without cancelling a like number of pending claims. Accordingly, entry of the present amendment is respectfully requested.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, including an Examiner's amendment, a

formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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